



CASE REVIEW / SPECIAL MEETING MINUTES

**Wednesday, September 10, 2008
4:00 PM – 5th Floor Large Conference Room
5:30 – Art Pick Council Chambers
3900 Main Street, Riverside, CA**

Chairman Percy called the meeting to order at 4:00 PM.

Roll Call

Rotker	Soubirous	Hubbard	Brandriff	Ward	Percy	Corral	Santore	Beeman
A	A	✓	✓	✓	A	✓	✓	✓

✓ = Present A = Absent L = Late LE = Left Early

Staff: Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

There was no public comment.

Closed Session

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

	CPRC CASE NO.	RPD CASE NO.
1)	08-010	PC-08-04024
2)	07-071	PC-07-11083
3)	08-005	PC-08-03014
4)	08-021	PC-08-06033
5)	07-058	PC-07-09066
6)	07-044	PC-07-07054

The Commission recessed at 5:00 PM, reconvening in Open Session at 5:30 PM.

OPEN SESSION

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

Roll Call

Rotker	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	Beeman
A	A	✓	✓	✓	A	✓	✓	✓

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Staff: Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

Steve Simpson said that the Commission didn't start as chartered commission, but the public assisted in chartering the Commission. He stated that the Commission does not work for the City Attorney or the City Manager, but it works for the City Council. He said that while he cringes at the thought of the ACLU, they have brought much needed second opinion.

Mary Shelton said that her greatest fear is another controversial incident. She noted that there are similar issues in other civilian oversight commissions throughout the country.

Salvador Santana said there is a lack of communication between CPRC and city government. He said he has written e-mails to many people to which he hasn't received responses. He also disagrees with the way RPD handled the Pablo incident.

Quinonez Officer-Involved Death (OID) Case

RPD preliminary briefing on the officer-involved death of Carlos David Quinonez, Sr. on September 1, 2008

Asst. Chief John De La Rosa said that after his preliminary briefing on the incident, he would take questions and answer to the best of his ability.

Officers Juan Muñoz and James Heiting received a call at 7:44 PM and responded to 5807 Yarborough Drive. As they approached the residence, they saw Mr. Quinonez in the driveway holding a blue bag. As Mr. Quinonez walked down the driveway, he pulled a shotgun from the bag. The officers were within 25 feet of Mr. Quinonez, they identified themselves as police and ordered him to drop the weapon several times. Mr. Quinonez did not comply, but pointed the shotgun toward the officers. Both officers fired their weapons, striking the Mr. Quinonez.

At the time of the shooting, several people were in the residence. As officers were responding, a second 911 call was received from the residence, saying there was someone else in the residence who might have a gun.

Assisting officers arrived shortly after shots were fired and moved Mr. Quinonez to an ambulance. Mr. Quinonez was transported to Riverside Community Hospital, where he later died.

A total of 11 people were removed from the residence. They were taken to the Magnolia Station to be interviewed. Across the street from the residence, there were two independent witnesses who heard yelling from the subject residence. As they were standing in front of their residence, they saw Mr.

Quinonez exit the garage as previously described. The witnesses said they saw Mr. Quinonez remove the shotgun from the bag. They said they saw Mr. Quinonez point the weapon at the officers and heard the officers order him to drop the weapon. They said that Mr. Quinonez fired at the officers, with the officers then returning fire.

The investigation found that Mr. Quinonez had racked a live round from the shotgun, but did not fire the weapon.

None of the witnesses within the residence saw the shooting.

After interviewing the officers, it was determined that Officer Muñoz fired five rounds and Officer Heiting fired one round. No audio or video recordings were made by either officer. Per RPD policy, both officers were placed on administrative leave.

An autopsy was conducted on September 4, 2008. The official cause of death will be determined by the Sherriff-Coroner at a future Coroner's review.

Officer Muñoz has been with RPD since 2001; Officer Heiting since 2007.

Commissioner Beeman asked for clarification about the residents calling 911 at the same time the shooting occurred.

Asst. Chief De La Rosa said that as the officers were responding to the first call, a second call was received.

Commissioner Brandriff expressed his thanks for the presentation.

Mary Shelton thanked RPD for the briefing and background on the officers and hopes the Commission will do its investigation.

Salvador Santana said the memorandum is unacceptable, saying that the City Attorney makes the decision as to whether or not an investigation will be paid for.

Commissioner Beeman asked Mr. Rogan if Chairman Percy had asked for an investigation prior to the protocol directive. Mr. Rogan advised that he did not. Mr. Rogan said he had started the process, but had asked Chairman Percy via e-mail which agency he would prefer to use.

Cloud Officer-Involved Death (OID) Evaluation Process

Discussion of the Commission's public report regarding the officer-involved death of Douglas Steven Cloud on October 8, 2006, Stage III, Policy & Procedure Certification Process:

- A) Staff report on materials provided
 - 1) Use of Force Policy
 - 2) Dispatch Information Practices
 - 3) Apprehension of Weapon Response
- B) Commission Discussion
- C) Identification of Other Policy / Training Items for Future Commission Discussion, if any

Mr. Rogan noted that the commissioners had received RPD's Use of Force policy and responses to questions posed by Commissioners Beeman and Rotker.

Commissioner Beeman said she wants to know how officers approach a person who is a suspected felon and requests RPD identify the tactics that were used regarding Question 3, an assessment of the tactics that were used. Mr. Rogan advised that RPD's review of the officers' tactics will be available in administrative casebook.

Teresa Cloud said the injuries sustained in the crash by her son were compounded by the actions of the officers. She also asked what attempts were made not to use lethal force and why RPD won't tell the public what the officers did. She asked what steps the Commission will take to keep this from happening again.

Mr. Rogan advised some information is released and some is not. He also noted that the criminal report is an investigation of whether the officers' actions were the result of criminal actions. He noted that administrative information is held back due to law as there are laws that govern what can be released and when.

Mary Shelton said that Commissioner Beeman wanted general information regarding tactics. She also said it seems that more and more information is restricted and doesn't know what that has to do with explaining a felony stop. She said she hopes some of these questions can be answered.

Commissioner Beeman suggested that the Commission get a training demo regarding high risk stops or dealing with a suspected felon. She said it would be helpful if the Commission could have Personnel and Training make a presentation regarding how officers are trained. Mr. Rogan said he would check with Lt. Perea and provide information from the POST manual.

Michael Dunn questioned why there is no discussion regarding Mr. Cloud's positioning in car. He said it is a critical part of trying to understand why officers couldn't pull him from the car and because of that, they shot him.

Commissioner Beeman said Mr. Dunn posed a question to be considered; whether there was an indication that Mr. Cloud was stuck in the car (Item 34 – Fact Sheet). She also pointed out two other issues to be entered on the Fact Sheet: did the shooting occur 20 seconds after the arrival of the first officer and that Mr. Cloud didn't have a weapon.

Commissioner Ward said a lot of time has been spent on the Cloud case and the Commission should have made decision before now. He said he would like to see investigations conducted as they were in the past. He also noted the Commission has never been involved in two investigations simultaneously.

Commissioner Santore said the vehicle is a weapon. He also asked if the officers' shots were simultaneous or separate. Mr. Rogan said he didn't know, but Items 43 and 44 in the Fact Sheet referred to the officer drawing and firing his weapon.

Hill Officer-Involved Death (OID)

Discussion of the Commission's public report regarding the officer-involved death of Joseph Hill on October 19, 2006, Stage II, Fact Certification Process.

A) Commission Discussion of Underlying Facts

B) Identification of Additional Facts for Future Commission Discussion, if any

Leslie Braden thanked RPD for having a representative present. She also asked if hospital staff could be interviewed. She agrees that the case is taking a long time to process and asked the Commission to expedite its review, but not to overlook anything. She also noted that investigating two cases at the same time can get confusing.

Mary Shelton asked what the officer's patrol activity was for the day, questioning how many stops he made. She also said that some portions of last encounter were recorded. She said that RPD does pretext traffic stop studies, but results haven't been released.

Commissioner Brandriff asked when the casebooks would be going online and when information would be received from Baker Street Group. Mr. Rogan didn't have an answer to the first question and advised that

Baker Street Group was calendared for the next meeting.

Commissioner Beeman asked if hospital staff can be interviewed. Mr. Rogan said HIPAA, law preventing hospital personnel from releasing information to all but a few people, may block the interviews.

Pablo Incident

- A) Staff Report – CPRC Investigator Update and Other Recent Developments, if any
- B) Commission Discussion

Salvador Santana said he is fighting against the lack of information and the need to have more information regarding the Pablo case. He said he has nothing against the good job done by RPD, but people have been waiting for information for three months.

Mary Shelton questioned if the case is being treated as a reportable incident. She also asked if RPD has initiated a criminal investigation into case, noting that if there's no criminal casebook, there's no information for the public and no interviews by officers.

Mr. Rogan advised that he was directed to have a preliminary investigation conducted. He said there was no information that there was use of force or any misconduct.

Commissioner Brandriff asked if the invitation to the Police Chief was declined. Mr. Rogan said a presentation was scheduled for the next regular meeting.

Commissioner Beeman asked if Mr. Pablo's family had been contacted by the investigator. Mr. Rogan said he would ask. Commissioner Beeman also asked if the DA's office had initiated an investigation into this incident. Mr. Rogan said he believed there would be an answer to that question at the next meeting.

Protocol Directive

Discussion of City Manager's directive for OID investigations

Linda Dunn spoke regarding the discussions and actions that have occurred since Mr. Pablo died in July. She commented on the City Manager's directive that independent investigations would not be funded until the criminal investigation was complete. She said that the Commission is being hamstrung by the city until the City Council comes to its defense.

Rev. Robert Smith said the Commission has a responsibility to "clear the air" regarding the actions of police officers. He said he learned at the Ad-hoc committee meeting that funds wouldn't be available for Commission investigations for six months to a year. He stated that the charter says what the Commission is to do and to say the Commission has to wait for RPD to give them information keeps the Commission from doing its job.

Bill Howe said he doesn't recall any case where the CPRC investigator interfered with RPD's investigation. He said it doesn't make sense to wait six months to investigate and that the memo from the City Manager is to tie the hands of the Commission.

Steve Simpson said the Commissioner doesn't work for the City Attorney, the City Manager or any city employee. Salaried staff needs to understand that the Commission doesn't work for them. Liability is the main concern. He said the Commission needs to get the bureaucrats "out of your hair" so it can do its job.

Michael Dunn said the public wants to know what happened so that things that have gone wrong get fixed and aren't repeated. He noted that many OID's started by minor interactions with police, but events escalated until a death occurred. He asked how the Commission will proceed if the city government

interferes. He also asked when the city will give a response to Mr. Bibring's comments.

Peter Bibring said the City Manager doesn't have the authority to tell the Commission what it can't do and that the use of the budget overreaches his authority. He said policing is a tough job and officers are invested with a lot of authority; the public needs to have trust in officers and oversight provides that trust.

Mary Shelton said that the current event is unfortunate and confusing. She said that OIDs were handled by sending out the investigator after incident, noting that the City Manager's office became involved after the Lane case. She also said the litigation rate has increased.

Commissioner Brandriff stated that the charter doesn't state that the City Manager or City Attorney have voice regarding the CPRC and that that decision should lie with Council. He also said the ultimate power rests with the people of Riverside. He suggested that, had the City Manager opened a dialog with the Commission, there would have been a different outcome.

Commissioner Hubbard said he was one of the three against investigating the Pablo case. He said it is frustrating to spend money on an investigation where there is nothing to indicate there was officer involvement. He said that OIDs are investigated by numerous individuals. He said the Commission has an important purpose, but that people can get carried away. He also noted that he didn't take the City as offensive. He said that the City Manager serves and works for the City Council and that their lack of involvement construes as endorsement.

Commissioner Ward said he would make a motion to direct Mr. Rogan to send out an investigator and if it has been stopped by a city official, take the matter to court. Mr. Rogan said there would have to be a determination as to a legal basis to take action and that retention of outside counsel would probably not be authorized.

Commissioner Beeman recommended advising Council of the concerns of the Commission and the community. She also asked what for the basis of the change in protocol. Mr. Rogan said the concern is regarding tampering of the criminal investigations being done by RPD & the DA's office. He said he believed it would work as other oversight agencies work that way.

Commissioner Beeman asked if the basis of the directive was over concern of the scene. Mr. Rogan said it was. She asked if it was based on a problem that had actually occurred. Mr. Rogan said he was not aware of any problems. She also asked if the investigations occurred after the tape was down. Mr. Rogan said that was correct.

Commissioner Ward said the Commission has been accused of violating the charter, noting that the charter plays a critical role in what the Commission is doing. Mr. Rogan said that the directive doesn't keep the investigation from being done, noting that the system that's outlined in the protocol directive works throughout the state.

Commissioner Brandriff asked why is six months a good time to start investigation, noting that RPD wouldn't wait six months. Mr. Rogan said that police are charged with a different duty than the Commission. He said the Commission is charged with determining a violation of policy. He also said he had spoken with Mr. Warnberg regarding the quality of RPD's work and he thinks the work is good.

Commissioner Brandriff said he did not dispute the quality of the work. He said there is no reason the investigation should wait six months to begin. Mr. Rogan said he didn't believe waiting six months would hurt the Commission's investigation.

Vice-Chair Corral reminded the Commission of the motion by Commissioner Ward

Motion	Motion	Second	Approve	Oppose	Abstain
To direct the CPRC Manager to investigate the OID and if prevented to do so, make arrangements to deal with the issue in court	Ward	died for lack of 2nd	-	-	-

Motion	Motion	Second	Approve	Oppose	Abstain
Upon return of Chair, have concerns communicated to the Council and Mayor, asking for their assistance and guidance	Beeman	Brandriff	3	3	0

Mr. Rogan advised that the motion needs a majority to pass.

Commissioner Santore said the Commission is citizen review, not a court of law. He stated that OID's are another issue it's only oversight of RPD policies and procedures.

As there was no additional discussion, Vice-Chair Corral adjourned the meeting.

The Commission adjourned at 8:48 PM.

Respectfully submitted,


 PHOEBE SHERRON
 Sr. Office Specialist